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**Sequence Rules:** In regard to the alleged failure to comply with the requirements of 37 CFR 1.821-1.825, Applicant has amended the Drawings so that the sequences in Figure 1 are identified by the corresponding number from the sequence listing and amended the Brief Description of the Drawings to explain what parts of the sequences are in the figure.

5 Reconsideration and withdrawal of the requirement is respectfully requested.

**Claim Objections:** The objections to the claims have been corrected by amendments to the claims. Reconsideration and withdrawal of the objections is respectfully requested.

10 **Section 112 Rejections - indefiniteness:** Claims 1 and 12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant believes this rejection has been obviated by amendment as suggested by the Examiner. Reconsideration and withdrawal of this indefiniteness rejection is respectfully requested.

15 **Section 112 Rejections – written description:** Claims 1 and 5-13 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular the Examiner suggests that the subject matter is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the invention was filed, had possession of the invention. The Examiner more particularly  
20 says

“Applicants describe three amino acid sequences SEQ ID Nos:1, 2 and 3 in the instant application but none of said amino acid sequences comprise the consensus amino acid sequence of SEQ ID NO:11. .... Applicants fail to adequately describe the genus of recombinant DNAs encoding a transcription factor comprising the consensus amino acid  
25 sequence of SEQ ID NO:11. Hence, it is unclear that Applicants were in possession of the invention as broadly claimed.”

Office Action at page 5-6.

Applicants traverse this assertion and direct the Examiner's attention to the attached corrected  
30 Drawing which shows that the consensus amino acid sequence of SEQ ID NO:11 defines amino acid sequences of SEQ ID NO:7, SEQ ID NO: NO:8 (which is a conserved segment of SEQ ID NO:1), SEQ ID NO:9 (which is a conserved segment of SEQ ID NO:2), and SEQ ID NO: NO:10 (which is a conserved segment of SEQ ID NO:3).

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The Examiner further says:

"Applicants do not describe SEQ ID NO:1-3 as describing transcription factors with a common specific function, specifically capable of increasing tolerance to water deficit."

Office Action at page 5

- 5 Applicants traverse this assertion and direct the Examiner's attention to the detailed description in the specification in which applicants did describe a common specific function, stating in particular part:

10 " 'G1073 transcription factor' means a protein which is expressed by DNA of SEQ ID NO:4-6 and a protein having the amino acid sequence of SEQ ID NO:1-3 and a protein having the conserved amino acid sequence of SEQ ID NO:7-10 and a protein having the consensus amino acid sequence of SEQ ID NO:11 and a homologue protein from another species and parts of such proteins that function to provide the water-deficit-tolerance trait exhibited in *Arabidopsis thaliana*, e.g. in the assay illustrated in the example below."

Specification at page 3, lines 20-25

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- Section 112 Rejections – enablement: Claims 1 and 5-13 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular the Examiner suggests that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner more particularly says

25 "Applicants claim a transgenic seed and plant, a method of improving the yield of a crop and hybrid corn comprising recombinant DNA encoding a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11. Applicants teach three amino acid sequences SEQ ID Nos:1, 2, and 3 in the instant specification but none... comprise ... SEQ ID NO:11. Applicants teach transforming *Arabidopsis*, soybean and corn with a recombinant DNA encoding SEQ ID NO:2 [sic, actually 1] wherein said recombinant DNA produces increased tolerance to water deficit ...

30 Applicants do not teach how to make and use the genus of recombinant DNAs encoding a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11."

Office Action at page 7

- Applicants traverse this assertion and direct the Examiner's attention to the attached corrected Drawing which shows that the consensus amino acid sequence of SEQ ID NO:11 defines amino acid sequences of SEQ ID NO:7, SEQ ID NO: NO:8 (which is a conserved segment of SEQ ID NO:1), SEQ ID NO:9 (which is a conserved segment of SEQ ID NO:2), and SEQ ID NO: NO:10

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(which is a conserved segment of SEQ ID NO:3). The specification teaches that the use of any of SEQ ID NO:1, 2, 3 or homologs (SEQ ID NO:7) in a variety of plants and seeds and methods. The example more specifically illustrates aspects of the invention where three plant species (Arabidopsis, corn and soybean) are made to express the Arabidopsis transcription factor.

5 With regard to the *Wands* factors Applicants submit that a person of ordinary skill in the art is more than capable and enabled in the art of making a transgenic plant, more than capable and enabled in the art of conducting a water deficit screen, more than capable and enabled in the art of identifying a transgenic event exhibiting water deficit tolerance. What Applicants have provided is the specific transcription factor to be used in the transformation, screening and  
10 identifying. Reconsideration and withdrawal of this enablement rejection is respectfully requested.

**Summary** Applicants believe that the above amendments and comments address the outstanding objections and rejections. Reconsideration and withdrawal of all of the objections  
15 and rejections is respectfully requested.

Respectfully submitted,



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